Montana Fish, Wildlife & Parks

P.O. Box 1630, Miles City, MT 59301

Telephone (406) 234-0900 ~ Fax (406) 234-4368

March 25, 2013

To:

Governor's Office, Sandy Jacke, PO Box 200802, Helena, MT 59620*
Environmental Quality Council, Capitol Bldg, Room 106, PO Box 201704, Helena, MT 59620 *
Montana Dept. of Environmental Quality, Bonnie Lovelace , PO Box 200901, Helena, MT 59620*
Montana Fish, Wildlife & Parks*:
-Director's Office (Coleen Furthmyre)
-Legal Unit (Jessica Snyder)
-Lands Section (Heather Noel)
-Fisheries Division (Beth Giddings)
-Wildlife Division (Laura Geary)
-Design & Construction (Paul Valle)
-Regional Information Officer's/ Office Managers/Reg Supervisors
Shane Colton, MT FWP Commissioner, 335 Clark, Billings MT 59101*
MT Dept of Natural Resources & Conservation, Southern Land Office, Jeff Bollman*
Montana Historical Society, State Preservation Office, PO Box 201202, Helena, MT 59620-1202
Montana Environmental Information Center, PO Box 1184, Helena, MT 59624
Montana State Library, 1515 E. Sixth Ave, PO Box 201800, Helena, MT 59620
Janet Ellis, Montana Audubon Council, PO Box 595, Helena, MT 59624*
Montana Wildlife Federation, PO Box 1175, Helena, MT 59624*
Emilie Boyles-Montana East Radio News*
Treasure Co. Commissioners, Morris Spannagel, chair, 307 Rapelje, Hysham, MT 59038*
Rosebud/Treausre Wildlife Association, P.O. Box 262, Forsyth, MT 59327
Billings Walleyes Unlimited, Randy Redfern, president*
Miles City Walleyes Unlimited, Dennis Schroeder, president*
Town of Hysham, P.O. Box 228, Hysham, MT 59038
Howard & Wilbona Hadden, neighbor, P.O. Box 14, Hysham, MT 59038
Ida Seaman, neighbor, P.O. Box 12, Edgar, MT 59026
Decock Ranch, neighbor, 1104 Myers Rd, Hysham, MT 59038
(*sent electronically)

Ladies and Gentlemen:

Montana Fish, Wildlife and Parks (FWP), Region 7, has completed an environmental assessment (EA) for the proposed acquisition of permanent right-of-way easement on 1.8 acres of accreted land located between the Amelia Island Fishing Access Site (FAS) and the Yellowstone River from the Montana Department of Natural Resources and Conservation (DNRC). FWP also proposes to develop the Amelia Island FAS and the accreted land adjacent to the FAS. Proposed developments include a designated parking area, a single-wide concrete boat ramp, a concrete vault latrine, informational signs, additional fencing, and improvements to the access road.

The EA can also be viewed on the FWP website at: http://fwp.mt.gov/news/publicNotices.

The public comment period will extend until **5:00 p.m., Friday, April 26, 2013.**
Written comments can be mailed or emailed to the address below:
Amelia Island FAS Proposed Right-of-Way Acquisition and Development Project
Montana Fish, Wildlife & Parks, Region 7
PO Box 1630
Miles City, MT 59301
mmuscha@mt.gov

Thank you for your interest,

Brad Schmitz
Regional Supervisor, Region 7

DRAFT
ENVIRONMENTAL ASSESSMENT

AMELIA ISLAND FISHING ACCESS SITE
PROPOSED RIGHT-OF-WAY EASEMENT ACQUISITION AND DEVELOPMENT

March 2013

Montana Fish, Wildlife & Parks

Amelia Island Fishing Access Site
Proposed Right-of-Way Acquisition and Development
Draft Environmental Assessment
MEPA, NEPA, MCA 23-1-110 CHECKLIST

PART I. PROPOSED ACTION DESCRIPTION

1. Type of proposed state action:

In 2008, 4.8 acres of land along the Yellowstone River near Hysham was donated to Montana Fish, Wildlife & Parks (FWP) for the purpose of providing additional public access to the Yellowstone River and developing a fishing access site (FAS). FWP proposes to acquire a permanent right-of-way easement on 1.8 acres of accreted land located between the FAS and the Yellowstone River from the Montana Department of Natural Resources and Conservation (DNRC). FWP also proposes to develop the Amelia Island FAS and the accreted land adjacent to the FAS. Proposed developments include a designated parking area, a singlewide concrete boat ramp; a concrete vault latrine, informational signs, additional fencing, and improvements to the access road.

2. Agency authority for the Proposed Action:

The 1977 Montana Legislature enacted Section 87-1-605, Montana Code Annotated (MCA), which directs Montana Fish Wildlife and Parks (FWP) to acquire, develop and operate a system of fishing accesses. The legislature earmarked a funding account to ensure that the fishing access site program would be implemented. Section 87-1-303, MCA, authorizes the collection fees and charges for the use of fishing access sites, and contains rule-making authority for their use, occupancy, and protection. Furthermore, Section 23-1-110, MCA, and Administrative Rules of Montana (ARM) 12.2.433 guides public involvement and comment for the improvements at state parks and fishing access sites, which this document provides.

ARM 12.8.602 requires the Department to consider the wishes of the public, the capacity of the site for development, environmental impacts, long-range maintenance, protection of natural features and impacts on tourism as these elements relate to development or improvement to fishing access sites or state parks. This document will illuminate the facets of the proposed action in relation to this rule. See Appendix A for HB 495 qualification.

3. Name of project:

Amelia Island Fishing Access Site Proposed Right-of-Way Easement Acquisition and Development

4. Project sponsor:

Montana Fish, Wildlife and Parks, Region 7
352 I-94 Business Loop
Miles City, MT 59301
(406) 234-0900

5. Anticipated Schedule:

Estimated Public Comment Period: March - April 2013
Estimated Decision Notice: May 2013
Commission Approval Requested to Proceed: June 2013
Estimated Commencement Date: Fall 2013

Estimated Completion Date: Winter 2013
Current Status of Project Design (% complete): 35%

6. Location:

Amelia Island FAS is located along the Yellowstone River 1.5 miles north of Hysham, Montana on Pumphouse Road in Treasure County, SE1/4 Section 32, Township 7 North, Range 36 East (Figures 1 and 2).

Figure 1. General Location of Amelia Island FAS.

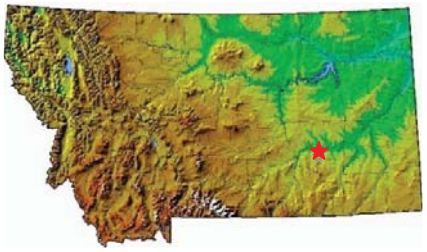


Figure 2. Highway Location of Amelia Island FAS.

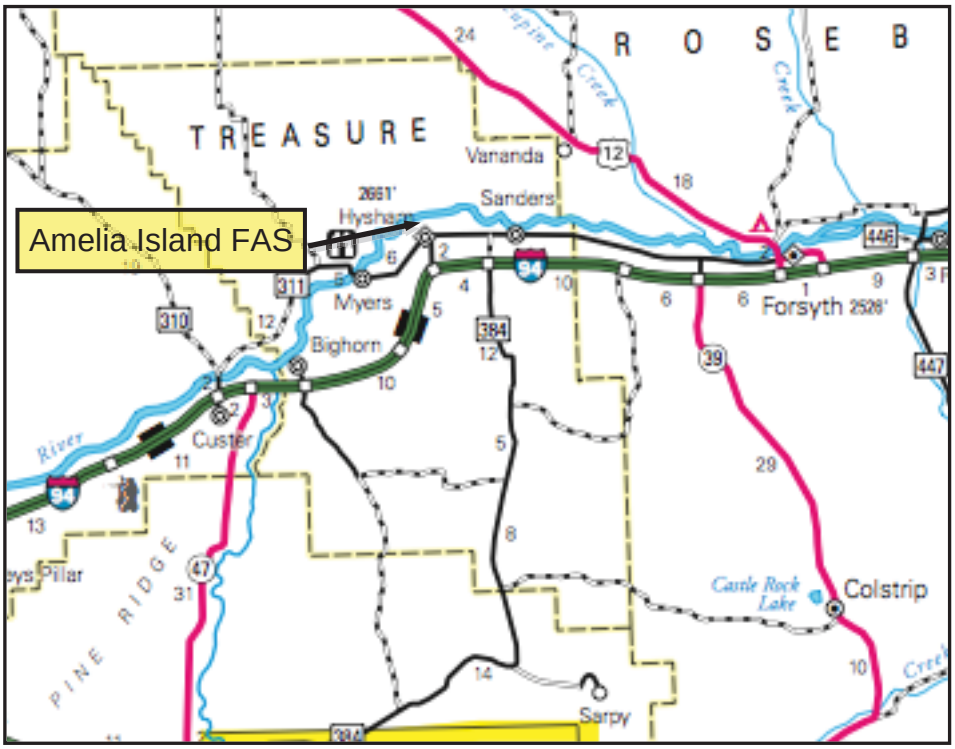
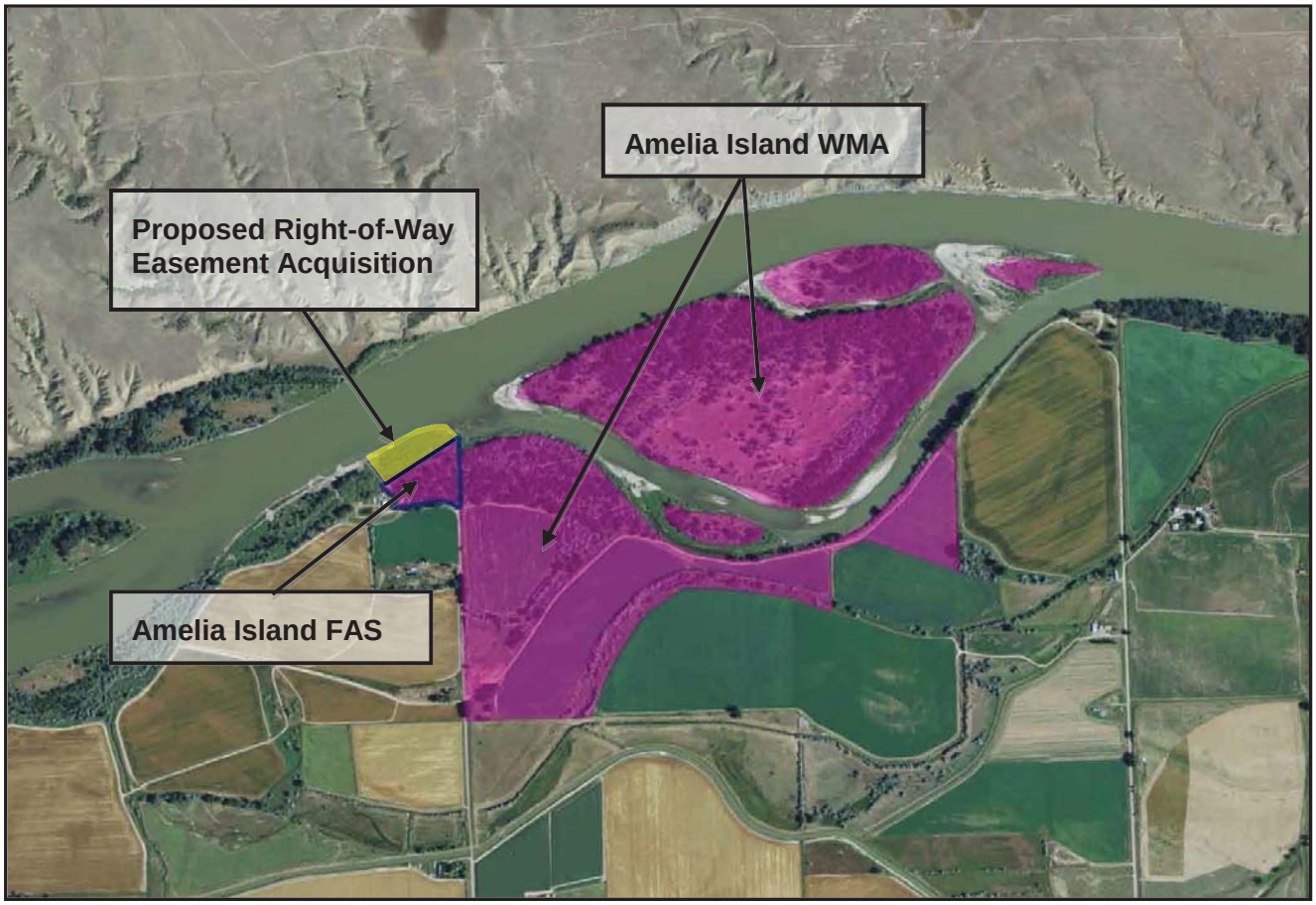


Figure 3. Amelia Island FAS Parcel Map, Aerial View.



NOTE: Amelia Island FAS is outlined in blue while the remainder of land highlighted in pink is the Amelia Island Wildlife Management Area. The proposed right-of-way acquisition is highlighted in yellow.

7. Project size -- estimate the number of acres that would be directly affected that are currently:

	Acres		Acres
(a) Developed:		(d) Floodplain	0
Residential	0		
Industrial	0	(e) Productive:	
		Irrigated cropland	0
(b) Open Space/ Woodlands/Recreation	0	Dry cropland	0
		Forestry	0
(c) Wetlands/Riparian Areas	2	Rangeland	0
		Other	0

The parcel of Amelia Island FAS owned in fee title by FWP is 4.8 acres. Upon acquisition of the right-of-way easement on the accreted 1.8-acre parcel, the total acreage of Amelia Island FAS would be 6.6 acres.

Photo 1. View of pioneered parking area at Amelia Island FAS.

Photo 2. View of pioneered boat launch at Amelia Island FAS.

Figure 4. Amelia Island FAS Overall Site Plan and Proposed Right-of-Way Easement Acquisition.

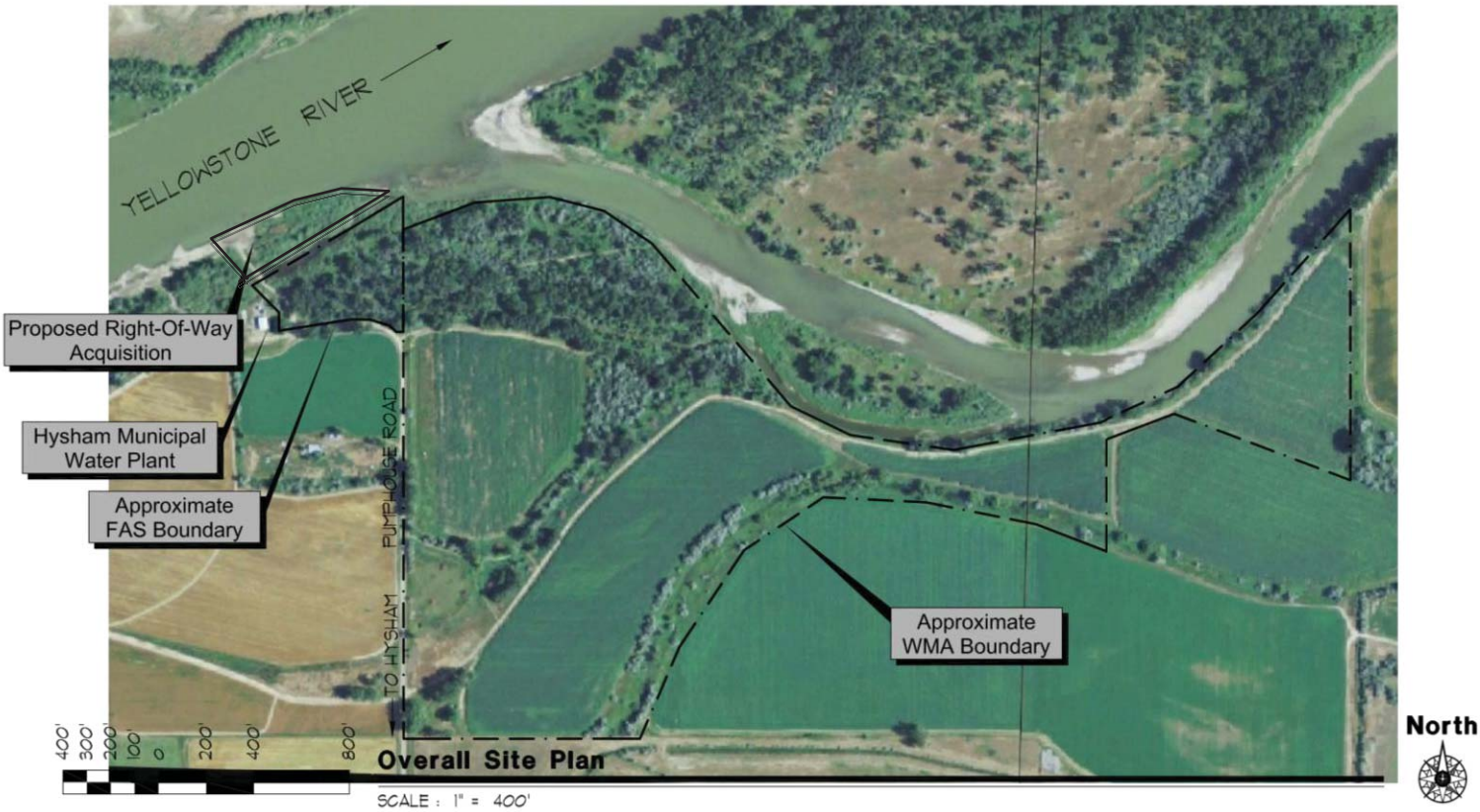
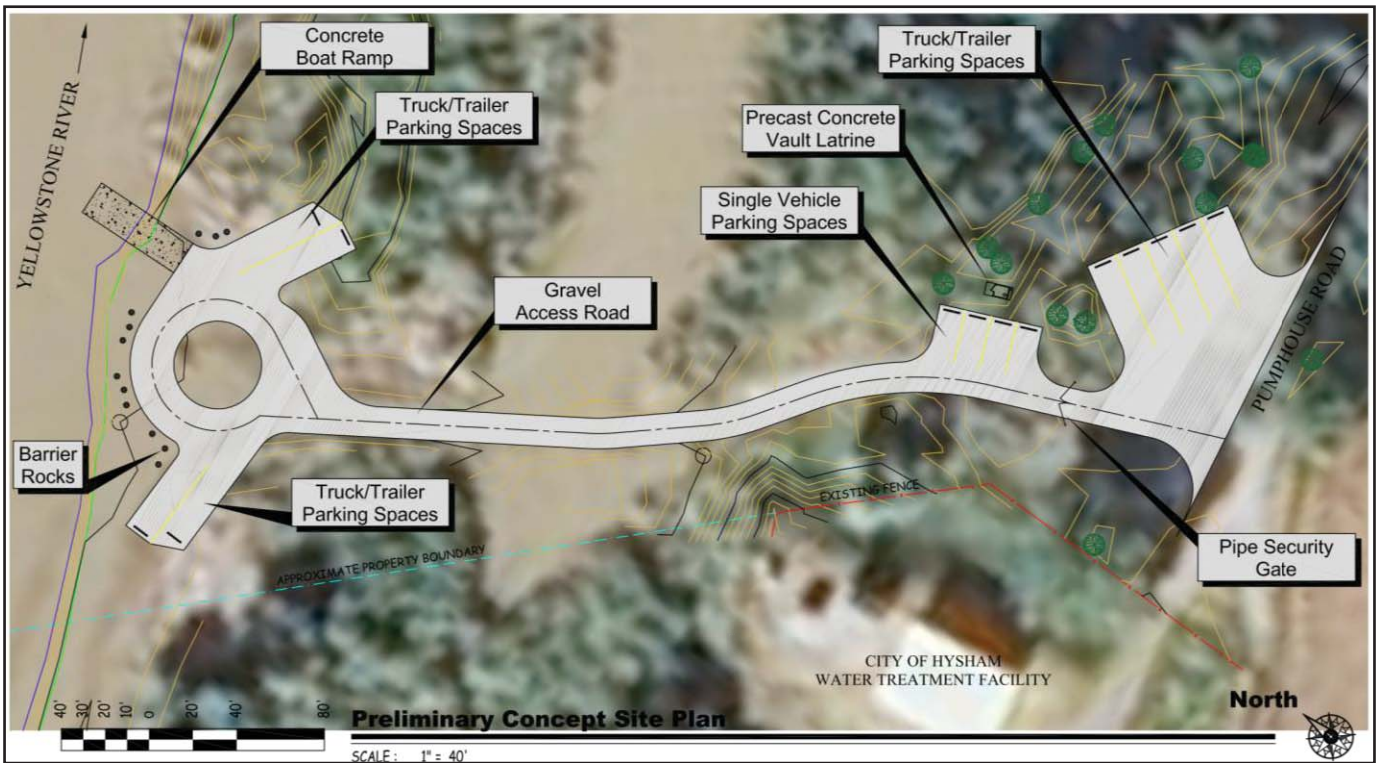


Figure 5. Amelia Island Preliminary Concept Site Plan.



8. Permits, Funding & Overlapping Jurisdiction.

(a) Permits: Permits would be filed at least 2 weeks prior to project start.

Agency Name	Permits
Montana Dept. of Environmental Quality	318 Short Term Water Quality Standard for Turbidity
Montana Fish, Wildlife & Parks	124 Montana Stream Protection Act
Treasure County	Floodplain Permit and Sanitation Permit
US Corps of Engineers	404 Federal Clean Water Act

(b) Funding:

Agency Name	Funding Amount
Federal Wallop-Breaux Fund	$56,500
Montana Fish, Wildlife & Parks FAS Development Fund	$18,500
Total FAS Development	$75,000
Montana Fish, Wildlife & Parks Acquisition Fund for Easement	$2,000

(c) Other Overlapping or Additional Jurisdictional Responsibilities:

Agency Name	Type of Responsibility
Natural Heritage Program	Species of Concern (Appendix B)
State Historic Preservation Office	Cultural Clearance (Appendix E)
Treasure County Weed District	Weed Management Coordination

9. Narrative summary of the proposed action:

The Yellowstone River originates in Wyoming and flows through Yellowstone National Park before entering Montana at Gardiner. From the park boundary the river flows north through Paradise Valley to Livingston. From Livingston, it continues in a northeasterly direction through southeastern Montana and meets up with the Missouri River just across the North Dakota border, for a total length of 692 miles, of which 555 miles are in Montana. The Yellowstone River has survived as one of the last, large, free-flowing rivers in the continental United States. Lack of main-stem impoundments allows spring peak flows and fall and winter low flows to influence a unique ecosystem and aesthetic resource. From the clear, coldwater cutthroat trout fishery in Yellowstone National Park to the warm water habitat at its mouth, the river supports a large variety of aquatic environments that remain relatively undisturbed. The adjacent terrestrial, riparian environment through most of the 555 Montana miles of river is a cottonwood-willow bottomland supporting diverse habitats for many plant and animal species, including many Species of Concern. The river has also been a major factor in the settlement of southeastern Montana, and retains much cultural and historical significance.

The lower Yellowstone River is considered to have outstanding angling values for warm water species. The lack of dams along the river provides for a more natural hydrograph, allowing high flows that flush gravels in spring, which in turn supports a large diversity of native fish species. The Yellowstone River varies in width from 74 feet to 300 feet so fishing is commonly done by boat. Recent surveys conducted by FWP show that the147-mile stretch of the lower Yellowstone River from the confluence of the Powder River to the confluence of the Big Horn River (river miles 147 – 294) supported an average of 18,955 angler days per year during 2003 – 2009, with a high of 20,458 in 2009 and a low of 15,632 in 2003. The state ranking for this stretch of river averaged the 34th most fished body of water in Montana

and ranged from 28 to 39 during this same period. This stretch averaged the 2nd most fished river in FWP Region 7 and ranged from 1 to 3 during this same period.

Common game fish found in the Yellowstone River in the vicinity of Amelia Island FAS include sauger, smallmouth bass, channel catfish, walleye, and burbot. Common non-game species found in this stretch of the Yellowstone River include stonecat, bigmouth and smallmouth buffalo, common carp, emerald shiner, freshwater drum, goldeye, longnose dace, longnose sucker, river carpsucker, shorthead redhorse, and white sucker.

Vegetation found on Amelia Island FAS is classified as Great Plains Floodplain, as defined by the Montana Natural Heritage Program (MNHP). Common plant species found on the site include plains cottonwood, saltcedar, Russian olive, willow sp., Wood's rose, buffaloberry, snowberry, silverberry, reed canarygrass, smooth brome, Kentucky bluegrass, basin wildrye, cheatgrass, and Canada thistle. The most common noxious weeds found on the property include saltcedar, Russian olive, and Canada thistle.

Common wildlife species whose habitat distribution overlaps Amelia Island FAS include white-tailed deer, occasional elk and black bear, beaver, river otter, muskrat, mink, pheasant, sharp-tailed grouse, bald eagle, osprey, great blue heron, and waterfowl. A wide variety of resident and migratory bird species use or travel through the area on a seasonal basis, including Canada geese and a variety of other waterfowl and songbirds. Bald eagle, delisted and now being monitored by the U.S Fish and Wildlife Service (USFWS), nest along the Yellowstone River. An active bald eagle nest is located approximately 3 miles upstream and one approximately 2 miles downstream of the FAS. Great blue heron, a Species of Concern, occasionally use the backwater located on the property. According to MNHP, greater sage-grouse, long-billed curlew, Baird's sparrow, black-tailed prairie dog, and spiny softshell, Species of Concern, have been observed within 2 miles of Amelia Island FAS, though the FAS does not provide habitat that would support these species. Blue sucker and sauger, also Species of Concern, have been observed in this stretch of the Yellowstone River (Appendix B).

In 2008, 4.8 acres of land along the Yellowstone River near Hysham was donated to FWP for the purpose of providing additional public access to the Yellowstone River and developing a FAS (Figure 3). The site provides the only pubic access to the Yellowstone River for a 46-mile stretch from Myers Bridge FAS, located 10 river miles upstream, and Rosebud West FAS, located 36 river miles downstream. The FAS is considered to be in a critical location for fishing, boating and floating access and is expected to receive moderate to heavy angler use. Although FWP owns the adjacent Amelia Island Wildlife Management Area (WMA), the WMA does not offer a suitable site for boat access to the river. Existing facilities at the FAS include a gravel access road, a pioneered parking area (Photo 1), a pioneered boat launch (Photo 2), and fencing along the southern property boundary.

During past flooding events, soil was scoured from islands upstream of the FAS and deposited between the FAS property and the Yellowstone River shore. By law, the accreted land belongs to DNRC and FWP is required to obtain legal access to this property in order to gain access to the river and develop a FAS. FWP proposes to acquire a permanent right-of-way easement on 1.8 acres of accreted land located between the FAS and the Yellowstone River from DNRC (Figure 4).

FWP proposes to acquire a permanent right-of-way easement on 1.8 acres of accreted land from DNRC and develop the Amelia Island FAS on the western boundary of Amelia Island

WMA. Currently, there is no, developed public boat access to the Yellowstone River in the 46-mile stretch from Myers Bridge FAS to Rosebud West FAS. The public uses a pioneered parking area and boat ramp on the FAS, which have eroded and caused sedimentation of the river. In addition, some anglers launch boats on a pioneered boat ramp upstream of the water intake for the Hysham Water Treatment Plant, causing potential problems of increased sediment delivery and oil and fuel residue near the water intake. The riparian vegetation in these areas is also degraded as a result of pioneered use of the site. Proposed developments include a designated parking area to accommodate approximately 10 to 13 vehicles, a singlewide concrete boat ramp; a concrete vault latrine, informational signs, additional fencing, and improvements to the access road (Figure 5).

The property would be managed under existing FWP public use regulations. Management of the FAS would include routine maintenance, control of vehicles and firearms, and other accepted FWP recreation area management policies. Protection of the natural resources, the health and safety of visitors, and consideration of neighboring properties would all be considered and incorporated into development plans for this site. The FAS would be for day use only and no overnight camping would be allowed on the site. Archery and shotgun hunting would be allowed on the FAS. Development of Amelia Island FAS would provide public access to the Yellowstone River for fishing, hunting, boating, and floating and provide additional recreational opportunities for hiking, dog walking, picnicking, and wildlife viewing.

10. Description and analysis of reasonable alternatives:

Alternative A: No Action.

If no action was taken and the proposed developments were not constructed, with a parking area, a singlewide concrete boat ramp, vault latrine, fencing, signs, and an improved access road, recreational access to this stretch of the Yellowstone River would continue to be limited and difficult. The public would continue to launch boats from the pioneered boat ramps on the FAS and upstream of the Hysham Water Treatment Plant and park in the pioneered parking area on the FAS, causing further erosion, sedimentation of the Yellowstone River, degradation of riparian plant communities, and sedimentation and water contamination from fuel and oil residue near the Hysham Water Treatment Plant intake. With No Action, maintaining public safety and resource protection would continue to be an issue at the FAS. Recreational opportunities for boating, fishing, floating, hunting, picnicking, wildlife viewing, and walking would continue to be limited.

Alternative B: Proposed Action.

FWP proposes to develop the Amelia Island FAS adjacent to Amelia Island WMA along the Yellowstone River. Proposed developments include a designated parking area, a singlewide concrete boat ramp, a concrete vault latrine, informational signs, additional fencing, and improvements to the access road. In addition, FWP proposes to acquire a permanent right-of-way easement from the DNRC on 1.8 acres of accreted land located between the FAS and the Yellowstone River.

11. Evaluation and listing of mitigation, stipulation, or other control measures enforceable by the agency or another government agency:

FWP would employ Best Management Practices (BMP) (Appendix D), which are designed to reduce or eliminate sediment delivery to waterways during construction. FWP would develop the final design and specifications for the proposed action. All county, state and federal permits listed in Part I 8(a) above would be obtained by FWP as required. A private contractor selected through the State's contracting processes would complete the construction.

PART II. ENVIRONMENTAL REVIEW CHECKLIST

Evaluation of the impacts of the Proposed Action including secondary and cumulative impacts on the Physical and Human Environment.

A. PHYSICAL ENVIRONMENT

1. LAND RESOURCES Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Soil instability or changes in geologic substructure?		X				1a.
b. Disruption, displacement, erosion, compaction, moisture loss, or over-covering of soil, which would reduce productivity or fertility?			X		Yes	1b.
c. Destruction, covering or modification of any unique geologic or physical features?		X				1c.
d. Changes in siltation, deposition or erosion patterns that may modify the channel of a river or stream or the bed or shore of a lake?			X		Yes Positive	1d.
e. Exposure of people or property to earthquakes, landslides, ground failure, or other natural hazard?		X				

1a. The proposed action would not affect existing soil patterns, structures, productivity, fertility, erosion, compaction, or instability. Soil and geologic substructure would remain stable during and after the proposed work.

1b. During construction, some minor modifications to the existing soil features would be required for the construction of the parking area, boat ramp, and improvement of the access road. Disturbed areas, including the pioneered parking area and boat ramp, would be seeded with a native seed mix to minimize erosion and sediment delivery to the Yellowstone River and the spread of noxious weeds. The property is managed for recreation and wildlife habitat and is not in agricultural production. The proposed action would not affect soil productivity or fertility. FWP Best Management Practices (BMP) would be followed during all phases of construction to minimize erosion (Appendix D).

1c. No unique geologic or physical features would be altered by the proposed action.

1d. Currently, water drains off the pioneered boat ramps and parking area on the FAS and above the Hysham Water Treatment Plant water intake, causing erosion of those areas and sedimentation of the river. The development of a singlewide concrete boat ramp and gravel parking area would reduce erosion and sedimentation. The proposed project would have minor impacts on the bank of the Yellowstone River. Minor amounts of sediment may enter the river during construction of the parking area and boat ramp and during improvement of the access road. However, upon completion, erosion and sedimentation to the river would be improved.

	IMPACT *

2. AIR Will the proposed action result in:	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Emission of air pollutants or deterioration of ambient air quality? (Also see 13 (c).)			X		Yes	2a.
b. Creation of objectionable odors?			X		Yes	2b.
c. Alteration of air movement, moisture, or temperature patterns or any change in climate, either locally or regionally?		X				
d. Adverse effects on vegetation, including crops, due to increased emissions of pollutants?		X				
e. For P-R/D-J projects, will the project result in any discharge, which will conflict with federal or state air quality regulations? (Also see 2a.)		NA				

2a. During construction, temporary amounts of dust may be generated during leveling and grading of the access road and construction of the boat ramp and parking area. If additional materials were needed off-site, loading at the source site would generate minor amounts of dust. FWP would follow FWP BMP during all phases of construction to minimize risks and reduce dust. See Appendix D for the BMP. Diesel equipment would be used to implement the proposed action. There would be a temporary increase in diesel exhaust. If the proposed action were implemented, odors from diesel exhaust would dissipate rapidly. The impacts would be short term and minor.

2b. The vault latrines would be regularly maintained to minimize objectionable odors.

3. WATER Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Discharge into surface water or any alteration of surface water quality including but not limited to temperature, dissolved oxygen or turbidity?			X		Yes	3a.
b. Changes in drainage patterns or the rate and amount of surface runoff?			X		Yes Positive	3b.
c. Alteration of the course or magnitude of floodwater or other flows?		X				
d. Changes in the amount of surface water in any water body or creation of a new water body?			X		Yes	3d.
e. Exposure of people or property to water related hazards such as flooding?		X				
f. Changes in the quality of groundwater?		X				
g. Changes in the quantity of groundwater?		X				
h. Increase in risk of contamination of surface or groundwater?			X		Yes	3h.
i. Effects on any existing water right or reservation?		X				
j. Effects on other water users as a result of any alteration in surface or groundwater quality?		X				
k. Effects on other users as a result of any alteration in surface or groundwater quantity?		X				
l. For P-R/D-J, will the project affect a designated floodplain? (Also see 3c.)		NA				
m. For P-R/D-J, will the project result in any discharge that will affect federal or state water quality regulations? (Also see 3a.)		NA				

3a. Construction of the parking area and boat ramp and improvements to the access road may cause a temporary, localized increase in turbidity in the Yellowstone River. FWP would obtain a Montana Department of Environmental Quality (DEQ) 318 Authorization Permit for Short Term Water Quality Standard for Turbidity. FWP BMP would also be followed (Appendix D). FWP would follow the permit requirements for the DEQ for Permit 318 for Short Term Water Quality Standard for Turbidity.

3b. Construction of the parking area and boat ramp and proposed improvements to the access road may alter surface runoff. The pioneered parking area and boat ramp would be contoured and re-vegetated to minimize further surface runoff, erosion and sediment delivery from these areas. The proposed action would be designed to minimize any effect on surface water, surface runoff, and drainage patterns. FWP BMP would be followed (Appendix D).

3d. There may be a minor, temporary increase of runoff during construction. FWP BMP would be followed (Appendix D).

3h. The use of heavy equipment during construction may result in a slight risk of contamination from petroleum products and an increase in sediment delivery to the river. FWP BMP would

be followed during all phases of construction to minimize these risks (Appendix D). Because the water intake for the Hysham Water Treatment Plant is located upstream of the proposed boat ramp location, fuel and oil residue from boat launching would not affect the quality of the city's water supply.

4. VEGETATION **Will the proposed action result in?**	**IMPACT**					
	Unknown	**None**	**Minor**	**Potentially Significant**	**Can Impact Be Mitigated**	**Comment Index**
a. Changes in the diversity, productivity or abundance of plant species (including trees, shrubs, grass, crops, and aquatic plants)?			X		Yes Positive	4a.
b. Alteration of a plant community?		X				4b.
c. Adverse effects on any unique, rare, threatened, or endangered species?		X				4c.
d. Reduction in acreage or productivity of any agricultural land?		X				4d.
e. Establishment or spread of noxious weeds?			X		Yes	4e.
f. For P-R/D-J, will the project affect wetlands, or prime and unique farmland?		NA				
g. Other:		NA				

4a. The proposed action would have positive impacts on the plant communities and diversity of the FAS. The pioneered boat ramp and parking area would be reseeded to reduce further erosion, sedimentation, and weed establishment and to encourage re-establishment of native riparian plant communities. Construction of the boat ramp and parking area and installation of the latrine, fencing and signs would have a minor impact on the vegetation. A minimal number of trees and shrubs would be removed during construction. Because the construction area is small, impacts from construction would be minor. Any disturbed area would be reseeded with a native seed mix. Improvement of the access road would have no impact on plant communities or diversity because no new soil would be disturbed.

4b. The proposed action would not alter the composition of plant communities at the site. Vegetation found on Amelia Island FAS is classified as Great Plains Floodplain, as defined by the MNHP. Common plant species found on the proposed action site include plains cottonwood, saltcedar, Russian olive, willow sp., Wood's rose, buffaloberry, snowberry, silverberry, reed canarygrass, smooth brome, Kentucky bluegrass, basin wildrye, cheatgrass, and Canada thistle.

Common introduced species found on the property include Russian olive, saltcedar, reed canarygrass, smooth brome, Kentucky bluegrass, cheatgrass, and Canada thistle. The most common noxious weeds found on the property include saltcedar, Russian olive, and Canada thistle. The Montana Department of Agriculture has classified Russian olive and cheatgrass, both invasive species, as statewide regulated species (plants that have the potential to have a significant negative impact). Though not classified as a noxious weed by the Montana Department of Agriculture, Russian olive has been classified as a noxious weed by Treasure County. Currently, salt cedar and Russian olive dominate the riparian forest on the FAS and

accreted parcel. FWP would continue implementing the FWP Statewide Integrated Noxious Weed Management Plan in conjunction with the Treasure County Weed District to control noxious weeds on the property.

4c. A search of the Montana Natural Heritage Program's (MNHP) Species of Concern database found no vascular or non-vascular plants of significance within the boundaries of Amelia Island FAS.

4d. Livestock grazing is not allowed on the FAS and no portion of the property is under agricultural production

4e. Dense populations of noxious weeds are found on Amelia Island FAS. According to Jennifer Cramer with the Treasure County Weed District, FWP and the Weed District have worked to control weeds on the FAS and accreted parcel since the property was acquired by FWP in 2008. Following the flooding of 2010, the population of saltcedar on the accreted parcel dramatically increased. In addition, annual flooding of the site deposits other weed seeds on the soil surface. Therefore, soils disturbed during construction would colonize with weeds. Disturbed areas would be re-seeded with a native reclamation seed mix to reduce the establishment of weeds. In conjunction with Treasure County Weed Control District, FWP would continue implementing the Statewide Integrated Weed Management Plan using chemical, biological and mechanical methods to control weeds on the property. Because saltcedar and Russian olive control often results in the establishment of other weed species, weed management would include the establishment of native vegetation to prevent the spread of weeds. Vehicles would be restricted to the parking areas and access roads, which would be maintained as weed-free, and vehicles would not be allowed on undisturbed areas of the site to minimize the spread of noxious weeds. FWP estimates that weed control on Amelia Island FAS will cost under $500 during fiscal year 2013.

5. FISH/WILDLIFE Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Deterioration of critical fish or wildlife habitat?		X				5a.
b. Changes in the diversity or abundance of game animals or bird species?		X				5b.
c. Changes in the diversity or abundance of nongame species?		X				5c.
d. Introduction of new species into an area?		X				
e. Creation of a barrier to the migration or movement of animals?		X				
f. Adverse effects on any unique, rare, threatened, or endangered species?		X				5f.
g. Increase in conditions that stress wildlife populations or limit abundance (including harassment, legal or illegal harvest or other human activity)?		X				
h. For P-R/D-J, will the project be performed in any area in which T&E species are present, and will the project affect any T&E species or their habitat? (Also see 5f.)		NA				
i. For P-R/D-J, will the project introduce or export any species not presently or historically occurring in the receiving location? (Also see 5d.)		NA				

5a. The proposed action would have no impact on any critical fish or wildlife habitat and the proposed improvements are designed to minimize impacts to wildlife habitat

5b/5c Common wildlife species whose habitat distribution overlaps Amelia Island FAS include white-tailed deer, occasional elk and black bear, beaver, river otter, muskrat, mink, pheasant, sharp-tailed grouse, bald eagle, osprey, great blue heron, and waterfowl. A wide variety of resident and migratory bird species use or travel through the area on a seasonal basis, including Canada geese and a variety of other waterfowl and songbirds.

According to Mike Backes, FWP Region 7 Fisheries Manager, and a review of Montana Fisheries Information System (MFISH), common game fish found in the Yellowstone River in the vicinity of Amelia Island FAS include sauger, smallmouth bass, channel catfish, walleye, and burbot. Common non-game species found in this stretch of the Yellowstone River include stonecat, bigmouth and smallmouth buffalo, common carp, emerald shiner, freshwater drum, goldeye, longnose dace, longnose sucker, river carpsucker, shorthead redhorse, and white sucker.

The Yellowstone River is open to fishing year round. Recent surveys conducted by FWP show that the147-mile stretch of the lower Yellowstone River from the confluence of the Powder River to the confluence of the Big Horn River (river miles 147 – 294) supported an average of 18,955 angler days per year during 2003 – 2009, with a high of 20,458 in 2009 and a low of 15,632 in 2003. The state ranking for this stretch of river averaged the 34th most fished body of water in Montana and ranged from 28 to 39 during this same period. This stretch averaged the 2nd most fished river in FWP Region 7 and ranged from 1 to 3 during this same period.

5f. A search of the MNHP element occurrence database indicates occurrences of bald eagle, ranked as Delisted and Monitored (DM) by the USFWS, and greater sage grouse, ranked as a Candidate (C) by the USFWS, within the vicinity of Amelia Island FAS. No other occurrences of federally ranked animal or plant species have been found within the vicinity of the proposed action site. The search indicated that great blue heron, long-billed curlew, Baird's sparrow, blue sucker, sauger, black-tailed prairie dog, and spiny softshell, Species of Concern, have been observed within 2 miles of Amelia Island FAS (Appendix B).

According to Scott Denson, FWP Region 7 Wildlife Biologist, the proposed project is unlikely to impact bald eagle. The nearest bald eagle nests are approximately 2 miles downstream and 3 miles upstream of the FAS, which is well outside of the recommended 0.5 mile distance in the Montana Bald Eagle Management Plan, indicating the proposed action would have no effect on bald eagles. While bald eagles were officially delisted in 2007, the USFWS has jurisdiction protecting this species under the Bald and Golden Eagle Protection Act (BGEPA) and the Migratory Bird Treaty Act (MBTA). The proposed project is also unlikely to impact great blue heron. The nearest great blue heron rookery is approximately 20 miles from the FAS and great blue heron only occasionally use the backwater on the property, which dries up by mid summer during most years. In addition, the proposed project is also unlikely to impact bald eagle or great blue heron as these species are accustomed to some level of disturbance in the area. The area surrounding the FAS has been disturbed by the Hysham Water Treatment Plant, nearby agricultural activities, proximity to Hysham, and pioneered recreational use of the site for years. In addition, nearby Amelia Island WMA receives heavy recreational use by hunters and wildlife viewers

According to Scott Denson, the proposed project is unlikely to impact greater sage-grouse, long-billed curlew, Baird's sparrow, or black-tailed prairie dog because the FAS does not provide habitat that would support these species. Spiny softshell turtle, often found along the river in the vicinity of the FAS, would not be directly impacted by the proposed project. The proposed project would also have no impact on anglers inadvertently catching and harming spiny softshell. Blue sucker and sauger, also Species of Concern, have been observed in this stretch of the Yellowstone River. According to Mike Backes, the proposed project would have only minor, temporary impacts to the river and would not impact these species.

B. HUMAN ENVIRONMENT

6. NOISE/ELECTRICAL EFFECTS Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Increases in existing noise levels?			X			6a.
b. Exposure of people to serve or nuisance noise levels?			X			6b.
c. Creation of electrostatic or electromagnetic effects that could be detrimental to human health or property?		X				
d. Interference with radio or television reception and operation?		X				

6a. Construction equipment would cause a temporary, minor increase in noise levels at the project site. Any increase in noise level at the construction site would be short term and minor.

6b. Amelia Island FAS is not located near residential development, with the closest residence located approximately 1 mile south of the FAS. However, the FAS is located next to the Hysham Water Treatment Plant. The minor and temporary increase of noise levels during construction may disturb visitors and employees of the treatment plant. FWP would follow the guidelines of the good neighbor policy, all of which would mitigate increased noise levels and would limit construction to periods of low visitation to minimize disturbance to others.

7. LAND USE Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of or interference with the productivity or profitability of the existing land use of an area?		X				7a.
b. Conflicted with a designated natural area or area of unusual scientific or educational importance?		X				
c. Conflict with any existing land use whose presence would constrain or potentially prohibit the proposed action?		X				
d. Adverse effects on or relocation of residences?		X				7d.

7a. The property is not under agricultural production and the proposed action would not alter or interfere with the productivity or profitability of the existing land use of the property.

7d. The proposed action would have no affect on nearby residences.

8. RISK/HEALTH HAZARDS Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Risk of an explosion or release of hazardous substances (including, but not limited to oil, pesticides, chemicals, or radiation) in the event of an accident or other forms of disruption?			X		Yes	8a.
b. Affect an existing emergency response or emergency evacuation plan, or create a need for a new plan?		X				
c. Creation of any human health hazard or potential hazard?			X		Yes Positive	8c.
d. For P-R/D-J, will any chemical toxicants be used? (Also see 8a)		NA				

8a. Physical disturbance of the soil during construction would encourage the establishment of additional noxious weeds on the site. In conjunction with the Treasure County Weed District, FWP would continue implementing an integrated approach to control noxious weeds, as outlined in the FWP Statewide Integrated Noxious Weed Management Plan. The integrated plan uses a combination of biological, mechanical, and herbicidal treatments to control noxious weeds. The use of herbicides would be in compliance with application guidelines to minimize the risk of chemical spills or water contamination and applied by people trained in safe handling techniques.

There is a minor and temporary risk of fuel or oil from heavy equipment accidently releasing into the river during construction. Contractors would have on site absorbent materials to minimize any hydrocarbon releases, as well as conduct startup inspection of all hydraulic lines and cylinder seals daily to reduce the potential for a release. FWP would follow FWP BMP during all phases of construction to minimize risks (Appendix D).

8c. The proposed project would improve public safety by constructing a safe boat ramp; developing a parking area in a stable, safe location away from the treatment plant, and improving the access road. Because the water intake for the Hysham Water Treatment Plant is located upstream of the proposed boat ramp location, sediment and fuel and oil residue from boat launching would not affect the quality of the city's water supply.

9. COMMUNITY IMPACT Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Alteration of the location, distribution, density, or growth rate of the human population of an area?		X				
b. Alteration of the social structure of a community?		X				
c. Alteration of the level or distribution of employment or community or personal income?		X				9c.
d. Changes in industrial or commercial activity?		X				9d.
e. Increased traffic hazards or effects on existing transportation facilities or patterns of movement of people and goods?		X				9e.

9c. The proposed action may increase visitor use of the area by improving recreational facilities at the FAS. This would benefit local retail and service businesses (Appendix C - Tourism Report).

9d. There would be no change in commercial use of the site.

9e. The proposed developments would give boaters and floaters another opportunity to access this stretch of the Yellowstone River. The proposed action would have little or no impact on traffic. Any impacts to traffic would be minor and concentrated on weekends during the peak season. The proposed action also would not alter the distribution of population in the area.

10. PUBLIC SERVICES/TAXES/UTILITIES Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Will the proposed action have an effect upon or result in a need for new or altered governmental services in any of the following areas: fire or police protection, schools, parks/recreational facilities, roads or other public maintenance, water supply, sewer or septic systems, solid waste disposal, health, or other governmental services? If any, specify:		X				10a.
b. Will the proposed action have an effect upon the local or state tax base and revenues?		X				10b.
c. Will the proposed action result in a need for new facilities or substantial alterations of any of the following utilities: electric power, natural gas, other fuel supply or distribution systems, or communications?		X				
d. Will the proposed action result in increased use of any energy source?		X				
e. Define projected revenue sources		X				10e.
f. Define projected maintenance costs.		X				10f.

10a. The proposed action would have no impact on public services or utilities.

10b. The proposed action would have no effect on the local and state tax base and revenue because FWP pays property taxes in an amount equal to that of a private individual.

10e. Because Amelia Island FAS would be operated for day use only no revenue would be generated from camping fees.

10f. Projected annual operating, maintenance, weed control, and personnel expense for fiscal year 2013 is estimated to total approximately $3,000 per year.

11. AESTHETICS/RECREATION **Will the proposed action result in:**	**IMPACT**					
	Unknown	**None**	**Minor**	**Potentially Significant**	**Can Impact Be Mitigated**	**Comment Index**
a. Alteration of any scenic vista or creation of an aesthetically offensive site or effect that is open to public view?			X		Yes Positive	11a.
b. Alteration of the aesthetic character of a community or neighborhood?		X				11b.
c. Alteration of the quality or quantity of recreational/tourism opportunities and settings? (Attach Tourism Report.)			X		Yes Positive	11c.
d. For P-R/D-J, will any designated or proposed wild or scenic rivers, trails or wilderness areas be impacted? (Also see 11a, 11c.)		NA				

11a/b. The pioneered boat ramp and pioneered parking area are currently visible from the river. By removing and re-vegetating the pioneered parking area and boat ramp and reducing degradation and weed infestation of riparian plant communities, the proposed action would improve the aesthetic values of the FAS.

11c. The proposed project would improve the recreational and tourism opportunities of the area by improving recreational facilities on the FAS (Appendix C).

12. CULTURAL/HISTORICAL RESOURCES Will the proposed action result in:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Destruction or alteration of any site, structure or object of prehistoric historic, or paleontological importance?		X				12a.
b. Physical change that would affect unique cultural values?		X				
c. Effects on existing religious or sacred uses of a site or area?		X				
d. For P-R/D-J, will the project affect historic or cultural resources? Attach SHPO letter of clearance. (Also see 12.a.)		NA				

12a. A cultural resource inventory has been completed and no heritage sites were identified. The State Historic Preservation Office (SHPO) has been consulted and has concurred with FWP recommendations for the project (Appendix E). If cultural materials are discovered during construction, work would cease and SHPO would be contacted for a more in-depth investigation.

SIGNIFICANCE CRITERIA

13. SUMMARY EVALUATION OF SIGNIFICANCE Will the proposed action, considered as a whole:	IMPACT					
	Unknown	None	Minor	Potentially Significant	Can Impact Be Mitigated	Comment Index
a. Have impacts that are individually limited, but cumulatively considerable? (A project or program may result in impacts on two or more separate resources that create a significant effect when considered together or in total.)		X				
b. Involve potential risks or adverse effects, which are uncertain but extremely hazardous if they were to occur?		X				
c. Potentially conflict with the substantive requirements of any local, state, or federal law, regulation, standard or formal plan?		X				
d. Establish a precedent or likelihood that future actions with significant environmental impacts will be proposed?		X				
e. Generate substantial debate or controversy about the nature of the impacts that would be created?		X				
f. For P-R/D-J, is the project expected to have organized opposition or generate substantial public controversy? (Also see 13e.)		NA				
g. For P-R/D-J, list any federal or state permits required.		NA				

During construction of the proposed project, there may be minor and temporary impacts to the physical environment, but the impacts would be short-term and the improvements would benefit the community and recreational opportunities over the long-term. The proposed action would have no negative cumulative effects on the biological, physical, and human environments. When considered over the long-term, the proposed action positively impacts the public's recreational use of the Yellowstone River, an important, popular, and heavily used recreational river.

PART III. NARRATIVE EVALUATION AND COMMENT

During construction of the proposed project, there may be minor and temporary impacts to the physical environment, but the impacts would be short-term and the improvements would benefit the community and recreational opportunities over the long-term. The proposed action would have no negative cumulative effects on the biological, physical, and human environments. When considered over the long-term, the proposed action positively impacts the public's recreational use of the Yellowstone River, an important, popular, and heavily used recreational river.

The minor impacts to the environment that were identified in the previous section are small in scale and would not influence the overall environment of the immediate area. The natural environment would continue to provide habitat to transient and permanent wildlife species and would be open to the public for river access.

The proposed action would not impact the local wildlife species that frequent the property and would not increase conditions that stress wildlife populations. The property is not considered critical habitat for any species. Even though the area is within the habitat of bald eagles, a federally protected species, the proposed action is unlikely to impact this species since there is already substantial activity and disturbance in the area from recreational boating and fishing on the Yellowstone River, commercial developments, and nearby agricultural activities. FWP would also implement FWP Best Management Practices during all stages of construction to minimize sedimentation into the Yellowstone River and minimize disturbance to the habitat of sauger and blue sucker, Species of Concern. While it is possible for wolves to travel through the project area, none have been sighted and there is no pack located in the area, so it is unlikely that the proposed action would impact gray wolves.

Soils disturbed during construction would colonize with weeds. Disturbed areas would be re-seeded with a native reclamation seed mix where to reduce the establishment of weeds. In conjunction with Treasure County Weed Control District, FWP would continue implementing the Statewide Integrated Weed Management Plan using chemical, biological and mechanical methods to control weeds on the property.

The proposed development of Amelia Island FAS and acquisition of the right-of-way easement from DNRC would provide safe and convenient river access for fishing, boating, and floating in addition to improving recreational opportunities for hunting, picnicking, dog-walking, and wildlife viewing. The proposed project would increase recreational use of this stretch of the Yellowstone River, one of the most scenic, popular, and heavily used rivers in Montana and a high priority for FWP.

PART IV. PUBLIC PARTICIPATION

1. Public involvement:

The public will be notified in the following manners to comment on the Amelia Island FAS Proposed Right-of-Way Acquisition and Development Project, the proposed action and alternatives:

- Two public notices in each of these papers: *the Hysham Echo, The Miles City Star, and the Helena Independent Record.*
- Public notice on the Fish, Wildlife & Parks web page: *http://fwp.mt.gov.*
- Draft EA's will be available at the FWP Region 7 Headquarters in Miles City and the FWP State Headquarters in Helena.
- A news release will be prepared and distributed to a standard list of media outlets interested in FWP Region 7 issues.
- Copies of this environmental assessment will be distributed to neighboring landowners and interested parties to ensure their knowledge of the proposed action.

This level of public notice and participation is appropriate for a project of this scope having limited impacts, many of which can be mitigated.

If requested within the comment period, FWP will schedule and conduct a public meeting on this proposed action.

2. Duration of comment period:

The public comment period will extend for (30) thirty days. Written comments will be accepted until 5:00 p.m., April 26, 2013 and can be emailed to mmuscha@mt.gov or mailed to the addresses below:

Amelia Island FAS Proposed Right-of-Way Acquisition and Development Project
Montana Fish, Wildlife & Parks, Region 7
352 I-94 Business Loop
PO Box 1630
Miles City, MT 59301

PART V. EA PREPARATION

1. Based on the significance criteria evaluated in this EA, is an EIS required? NO If an EIS is not required, explain why the EA is the appropriate level of analysis for this Proposed Action.

Based on an evaluation of impacts to the physical and human environment under MEPA, this environmental review revealed no significant negative impacts from the proposed action: therefore, an EIS is not necessary and an environmental assessment is the appropriate level of analysis. In determining the significance of the impacts, FWP assessed the severity, duration, geographic extent, and frequency of the impact, the probability that the impact would occur or reasonable assurance that the impact would not occur. FWP assessed the growth-inducing or growth-inhibiting aspects of the impact, the importance to the state and to society of the environmental resource or value effected, any precedent that would be set as a result of an impact of the proposed action that would commit FWP to future actions; and potential conflicts with local, federal, or state laws. As this EA revealed no significant impacts from the proposed actions, an EA is the appropriate level of review and an EIS is not required.

2. Person(s) responsible for preparing the EA:

Miles Muscha
Region 7 Acting FAS Coordinator
352 I-94 Business Loop
Miles City, MT 59301
mmuscha@mt.gov
(406) 234-0900

Andrea Darling
FWP EA Contractor
39 Big Dipper Drive
Montana City, MT 59634
apdarling@gmail.com

3. List of agencies or offices consulted during preparation of the EA:

Hysham Water Treatment Plant
Montana Department of Commerce – Tourism
Montana Fish, Wildlife & Parks
- Field Services Division
  - Design and Construction Bureau
  - Lands Unit
  - Legal Unit
- Fisheries Division
- Wildlife Division
- Enforcement Division

Montana Department of Natural Resources & Conservation
Montana Natural Heritage Program – Natural Resources Information System (NRIS)

APPENDICES

A. MCA 23-1-110 Qualification Checklist
B. Native Species Report - Montana Natural Heritage Program
C. Tourism Report – Department of Commerce
D. Fish, Wildlife and Parks Best Management Practices
E. State Historic Preservation Office Concurrence

APPENDIX A

HB495 PROJECT QUALIFICATION CHECKLIST

Date: January 11, 2013 **Person Reviewing:** Andrea Darling

Project Location: Amelia Island FAS is located along the Yellowstone River 1.5 miles north of Hysham, Montana on Pumphouse Road in Treasure County, SE1/4 Section 32 Township 7 North, Range 36 East.

Description of Proposed Work: FWP proposes to develop the Amelia Island Fishing Access Site (FAS). Proposed developments include a designated parking area, a singlewide concrete boat ramp, a concrete vault latrine, additional fencing, informational signs, and improvements to the access road. In addition, FWP proposes to acquire a permanent right-of-way easement on 1.8 acres of accreted land located between the FAS and the Yellowstone River from the DNRC.

The following checklist is intended to be a guide for determining whether a proposed action or improvement is of enough significance to fall under 23-1-110 rules. (Please check all that apply and comment as necessary.)

[ ] A. New roadway or trail built over undisturbed land?
Comments: No new roadways or trails over undisturbed land.

[ ] B. New building construction (buildings <100 sf and vault latrines exempt)?
Comments: No new construction.

[X] C. Any excavation of 20 c.y. or greater?
Comments: Possibly for the boat ramp and parking area.

[X] D. New parking lots built over undisturbed land or expansion of existing lot that increases parking capacity by 25% or more?
Comments: Constructing a parking area to accommodate approximately 10 to 13 vehicles.

[ ] E. Any new shoreline alteration that exceeds a doublewide boat ramp or handicapped fishing station?
Comments: No shoreline alteration other than for a single-wide concrete boat ramp.

[X] F. Any new construction into lakes, reservoirs, or streams?
Comments: Possibly for the boat ramp along the Yellowstone River bank.

[ ] G. Any new construction in an area with National Registry quality cultural artifacts (as determined by State Historical Preservation Office)?
Comments: SHPO has been contacted. See Appendix E for SHPO concurrence.

[ ] H. Any new above ground utility lines?
Comments: No new utility lines.

[ ] I. Any increase or decrease in campsites of 25% or more of an existing number of campsites?
Comments: No campsites would be constructed.

[ ] J. Proposed project significantly changes the existing features or use pattern, including effects of a series of individual projects?
Comments: No. The proposed action would not affect existing features or use patterns.

If any of the above are checked, HB 495 rules apply to this proposed work and should be documented on the MEPA/HB495 CHECKLIST. Refer to MEPA/HB495 Cross Reference Summary for further assistance.

APPENDIX B

NATIVE SPECIES REPORT – MONTANA NATURAL HERITAGE PROGRAM
Sensitive Plants and Animals in the Vicinity of Amelia Island Fishing Access Site

Species of Concern Terms and Definitions

A search of the Montana Natural Heritage Program (MNHP) element occurrence database (http://nris.mt.gov) indicates occurrences of bald eagle and greater sage grouse within the proposed action site. No other occurrences of federally ranked, or considered for ranking, animal or plant species have been found within the vicinity of the proposed action site. The search indicated that great blue heron, long-billed curlew, Baird's sparrow, blue sucker, sauger, black-tailed prairie dog, and spiny softshell, Species of Concern, have been observed in or near the proposed action site. More information on these species is included below.

Montana Species of Concern. The term **"Species of Concern"** includes taxa that are at-risk or potentially at-risk due to rarity, restricted distribution, habitat loss, and/or other factors. The term also encompasses species that have a special designation by organizations or land management agencies in Montana, including: Bureau of Land Management Special Status and Watch species; U.S. Forest Service Sensitive and Watch species; U.S. Fish and Wildlife Service Threatened, Endangered and Candidate species.

Status Ranks (Global and State)

The international network of Natural Heritage Programs employs a standardized ranking system to denote global (**G** -- range-wide) and state status (**S**) (Nature Serve 2003). Species are assigned numeric ranks ranging from 1 (critically imperiled) to 5 (demonstrably secure), reflecting the relative degree to which they are "at-risk". Rank definitions are given below. A number of factors are considered in assigning ranks -- the number, size and distribution of known "occurrences" or populations, population trends (if known), habitat sensitivity, and threat. Factors in a species' life history that make it especially vulnerable are also considered (e.g., dependence on a specific Pollinator).

U.S. Fish and Wildlife Service (Endangered Species Act)- Terms and Definitions

LE. Listed endangered: Any species in danger of extinction throughout all or a significant portion of its range.
LT. Listed threatened: Any species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.
C. Candidate: Those taxa for which sufficient information on biological status and threats exists to propose to list them as threatened or endangered.
DM. Recovered, delisted, and being monitored - Any previously listed species that is now recovered, has been delisted, and is being monitored.
BGEPA. The Bald and Golden Eagle Protection Act of 1940 (BGEPA) prohibits anyone, without a permit issued by the Secretary of the Interior, from taking bald or golden eagles, including their parts, nests, or eggs. The BGEPA provides criminal and civil penalties for persons who take, possess, sell, purchase, barter, offer to sell, purchase or barter, transport, export or import, at any

time or any manner, any bald eagle ... [or any golden eagle], alive or dead, or any part, nest, or egg thereof.

MBTA. The Migratory Bird Treaty Act (MBTA) implements four treaties that provide for international protection of migratory birds. The statute's language is clear that actions resulting in a "taking" or possession (permanent or temporary) of a protected species is a violation of the MBTA.

BCC. Birds of Conservation Concern 2008. The 1988 amendment to the Fish and Wildlife Conservation Act mandates the U.S. Fish and Wildlife Service to identify species, subspecies, and populations of all migratory nongame birds that, without additional conservation actions, are likely to become candidates for listing under the Endangered Species Act

Status Ranks	
Code	**Definition**
G1 S1	At high risk because of extremely limited and/or rapidly declining numbers, range, and/or habitat, making it highly vulnerable to global extinction or extirpation in the state.
G2 S2	At risk because of very limited and/or declining numbers, range, and/or habitat, making it vulnerable to global extinction or extirpation in the state.
G3 S3	Potentially at risk because of limited and/or declining numbers, range, and/or habitat, even though it may be abundant in some areas.
G4 S4	Uncommon but not rare (although it may be rare in parts of its range), and usually widespread. Apparently not vulnerable in most of its range, but possibly cause for long-term concern.
G5 S5	Common, widespread, and abundant (although it may be rare in parts of its range). Not vulnerable in most of its range.

MFWP Conservation Need. Under Montana's Comprehensive Fish and Wildlife Conservation Strategy of 2005, individual animal species are assigned levels of conservation need as follows:

Tier I. Greatest conservation need. Montana FWP has a clear obligation to use its resources to implement conservation actions that provide direct benefit to these species, communities and focus areas.

Tier II. Moderate conservation need. Montana FWP could use its resources to implement conservation actions that provide direct benefit to these species communities and focus areas.

Tier III. Lower conservation need. Although important to Montana's wildlife diversity, these species, communities and focus areas are either abundant or widespread or are believed to have adequate conservation already in place.

Tier IV. Species that are non-native, incidental or on the periphery of their range and are either expanding or very common in adjacent states.

SENSITIVE PLANTS AND ANIMALS IN THE VICINITY OF AMELIA ISLAND FISHING ACCESS SITE

1. **Ardea herodias (Great Blue Heron)**
   Vertebrate animal- Bird

Natural Heritage Ranks	Federal Agency Status:
State: **S3**	U.S. Fish and Wildlife Service:
Global: **G5**	U.S. Forest Service**:**
	U.S. Bureau of Land Management:

   FWP CFWCS Tier: **3**

   Element Occurrence data was reported of great blue heron within the project area. Last recorded observation date was 2008.

2. **Haliaeetus leucocephalus (Bald Eagle)**
   Vertebrate animal- Bird

Natural Heritage Ranks	Federal Agency Status:
State: **S4**	U.S. Fish and Wildlife Service: **DM; BGEPA; MBTA; BCC**
Global: **G5**	U.S. Forest Service: **Sensitive**
	U.S. Bureau of Land Management: **Sensitive**

   FWP CFWCS Tier: **2**

   Element Occurrence data was reported of bald eagle within the project area. Last recorded observation date was 2009.

3. **Centrocercus urophasianus (Greater Sage-Grouse)**
   Vertebrate animal- Bird

Natural Heritage Ranks	Federal Agency Status:
State: **S2**	U.S. Fish and Wildlife Service: **C**
Global: **G3G4**	U.S. Forest Service: **Sensitive**
	U.S. Bureau of Land Management: **Sensitive**

   FWP CFWCS Tier: **1**

   Element Occurrence data was reported of greater sage-grouse within 2 miles of the project area. Last recorded observation date was 2011.

4. **Numenius americanus (Long-billed Curlew)**
   Vertebrate animal- Bird

Natural Heritage Ranks	Federal Agency Status:
State: **S3B**	U.S. Fish and Wildlife Service:
Global: **G5**	U.S. Forest Service**:**
	U.S. Bureau of Land Management: **Sensitive**

   FWP CFWCS Tier: **2**

   Element Occurrence data was reported of long-billed curlew within 2 miles of the project area. Last recorded observation date was 2009.

5. **Ammodramus bairdii (Baird's Sparrow)**
   Vertebrate animal- Bird

Natural Heritage Ranks	Federal Agency Status:

State: **S3B**
Global: **G4**

U.S. Fish and Wildlife Service:
U.S. Forest Service**:**
U.S. Bureau of Land Management: **Sensitive**

FWP CFWCS Tier: **1**

Element Occurrence data was reported of Baird's sparrow within 2 miles of the project area. Last recorded observation date was 2009.

6. **Cycleptus elongatus (Blue Sucker)**
Vertebrate animal- Fish

Natural Heritage Ranks	Federal Agency Status:
State: **S2S3**	U.S. Fish and Wildlife Service:
Global: **G3G4**	U.S. Forest Service**:**
	U.S. Bureau of Land Management: **Sensitive**

FWP CFWCS Tier: **1**

Element Occurrence data was reported of blue sucker within the project area. No observation date was recorded.

7. **Sander canadensis (Sauger)**
Vertebrate animal- Fish

Natural Heritage Ranks	Federal Agency Status:
State: **S2**	U.S. Fish and Wildlife Service:
Global: **G5**	U.S. Forest Service**:**
	U.S. Bureau of Land Management: **Sensitive**

FWP CFWCS Tier: **1**

Element Occurrence data was reported of the project area. No observation date was recorded.

8. **Cynomys ludovicianus (Black-tailed Prairie Dog)**
Vertebrate animal- Mammal

Natural Heritage Ranks	Federal Agency Status:
State: **S3**	U.S. Fish and Wildlife Service:
Global: **G4**	U.S. Forest Service: **Sensitive**
	U.S. Bureau of Land Management: **Sensitive**

FWP CFWCS Tier: **1**

Element Occurrence data was reported of black-tailed prairie dog within 2 miles of the project area. No observation date was recorded.

9. **Apalone spinifera (Spiny Softshell)**
Vertebrate animal- Reptile

Natural Heritage Ranks	Federal Agency Status:
State: **S3**	U.S. Fish and Wildlife Service:
Global: **G5**	U.S. Forest Service:
	U.S. Bureau of Land Management: **Sensitive**

FWP CFWCS Tier: **1**

Element Occurrence data was reported of spiny softshell within the project area. Last recorded observation date was 2008.

APPENDIX C
TOURISM REPORT

MONTANA ENVIRONMENTAL POLICY ACT (MEPA) & MCA 23-1-110

The Montana Department of Fish, Wildlife and Parks has initiated the review process as mandated by MCA 23-1-110 and the Montana Environmental Policy Act in its consideration of the project described below. As part of the review process, input and comments are being solicited. Please complete the project name and project description portions and submit this form to:

Carol Crockett, Visitor Services Manager
Office of Tourism-Department of Commerce
301 S. Park Ave.
Helena, MT 59601

Project Name: Amelia Island FAS Proposed Development and Acquisition

Project Description: FWP proposes to develop the Amelia Island Fishing Access Site (FAS) upstream from Amelia Island Wildlife Management Area along the Yellowstone River. Proposed developments include an access road, designated parking area, a single-wide gravel boat ramp, a concrete vault latrine, additional fencing, and informational signs. In addition, FWP proposes to acquire a right-of-way easement across1.8 acres of accreted land located between the FAS and the Yellowstone River from the Montana Department of Natural Resources and Conservation (DNRC).

1. Would this site development project have an impact on the tourism economy?
   NO **YES** If YES, briefly describe:

Yes, as described, the project has the potential to positively impact the tourism and recreation industry economy if properly maintained. We are assuming the agency has determined it has necessary funding for the on-going operations and maintenance once this project is complete.

2. Does this impending improvement alter the quality or quantity of recreation/tourism opportunities and settings?
   NO **YES** If YES, briefly describe:

Yes, as described, the project has the potential to improve quality and quantity of tourism and recreational opportunities if properly maintained. We are assuming the agency has determined it has necessary funding for the on-going operations and maintenance once this project is complete.

Signature Carol Crockett, Visitor Services Manager Date January 16, 2013

APPENDIX D
MONTANA FISH, WILDLIFE AND PARKS

BEST MANAGEMENT PRACTICES
10-02-02
Updated May 1, 2008

I. ROADS

A. Road Planning and location

1. Minimize the number of roads constructed at the FAS through comprehensive road planning, recognizing foreseeable future uses.
   a. Use existing roads, unless use of such roads would cause or aggravate an erosion problem.
2. Fit the road to the topography by locating roads on natural benches and following natural contours. Avoid long, steep road grades and narrow canyons.
3. Locate roads on stable geology, including well-drained soils and rock formations that tend to dip into the slope. Avoid slumps and slide-prone areas characterized by steep slopes, highly weathered bedrock, clay beds, concave slopes, hummocky topography, and rock layers that dip parallel to the slope. Avoid wet areas, including seeps, wetlands, wet meadows, and natural drainage channels.
4. Minimize the number of stream crossings.
   a. Choose stable stream crossing sites. "Stable" refers to streambanks with erosion-resistant materials and in hydrologically safe spots.

B. <u>Road Design</u>

1. Design roads to the minimum standard necessary to accommodate anticipated use and equipment. The need for higher engineering standards can be alleviated through proper road-use management. "Standard" refers to road width.
2. Design roads to minimize disruption of natural drainage patterns. Vary road grades to reduce concentrated flow in road drainage ditches, culverts, and on fill slopes and road surfaces.

C. <u>Drainage from Road Surface</u>

1. Provide adequate drainage from the surface of all permanent and temporary roads. Use outsloped, insloped or crowned roads, installing proper drainage features. Space road drainage features so peak flow on road surface or in ditches will not exceed their capacity.
   a. Outsloped roads provide means of dispersing water in a low-energy flow from the road surface. Outsloped roads are appropriate when fill slopes are stable, drainage will not flow directly into stream channels, and transportation safety can be met.
   b. For insloped roads, plan ditch gradients steep enough, generally greater than 2%, but less than 8%, to prevent sediment deposition and ditch erosion. The steeper gradients may be suitable for more stable soils; use

the lower gradients for less stable soils.

c. Design and install road surface drainage features at adequate spacing to control erosion; steeper gradients require more frequent drainage features. Properly constructed drain dips can be an economical method of road surface drainage. Construct drain dips deep enough into the sub-grade so that traffic will not obliterate them.

2. For ditch relief/culverts, construct stable catch basins at stable angles. Protect the inflow end of cross-drain culverts from plugging and armor if in erodible soil. Skewing ditch relief culverts 20 to 30 degrees toward the inflow from the ditch will improve inlet efficiency.
3. Provide energy dissipators (rock piles, slash, log chunks, etc.) where necessary to reduce erosion at outlet of drainage features. Cross-drains, culverts, water bars, dips, and other drainage structures should not discharge onto erodible soils or fill slopes without outfall protection.
4. Route road drainage through adequate filtration zones, or other sediment-settling structures. Install road drainage features above stream crossings to route discharge into filtration zones before entering a stream.

D. Construction/Reconstruction

1. Stabilize erodible, exposed soils by seeding, compacting, riprapping, benching, mulching, or other suitable means.
2. At the toe of potentially erodible fill slopes, particularly near stream channels, pile slash in a row parallel to the road to trap sediment. When done concurrently with road construction, this is one method to effectively control sediment movement and it also provides an economical way of disposing of roadway slash. Limit the height, width and length of these "slash filter windrows" so not to impede wildlife movement. Sediment fabric fences or other methods may be used if effective.
3. Construct cut and fill slopes at stable angles to prevent sloughing and subsequent erosion.
4. Avoid incorporating potentially unstable woody debris in the fill portion of the road prism. Where possible, leave existing rooted trees or shrubs at the toe of the fill slope to stabilize the fill.
5. Place debris, overburden, and other waste materials associated with construction and maintenance activities in a location to avoid entry into streams. Include these waste areas in soil stabilization planning for the road.
6. When using existing roads, reconstruct only to the extent necessary to provide adequate drainage and safety; avoid disturbing stable road surfaces. Consider abandoning existing roads when their use would aggravate erosion.

E. <u>Road Maintenance</u>

1. Grade road surfaces only as often as necessary to maintain a stable running surface and to retain the original surface drainage.
2. Maintain erosion control features through periodic inspection and maintenance, including cleaning dips and cross-drains, repairing ditches, marking culvert inlets to aid in location, and clearing debris from culverts.

3. Avoid cutting the toe of cut slopes when grading roads, pulling ditches, or plowing snow.
4. Avoid using roads during wet periods if such use would likely damage the road drainage features. Consider gates, barricades or signs to limit use of roads during wet periods.

II. RECREATIONAL FACILITIES (parking areas, campsites, trails, ramps, restrooms)

A. Site Design

1. Design a site that best fits the topography, soil type, and stream character, while minimizing soil disturbance and economically accomplishing recreational objectives. Keep roads and parking lots at least 50 feet from water; if closer, mitigate with vegetative buffers as necessary.
2. Locate foot trails to avoid concentrating runoff and provide breaks in grade as needed. Locate trails and parking areas away from natural drainage systems and divert runoff to stable areas. Limit the grade of trails on unstable, saturated, highly erosive, or easily compacted soils
3. Scale the number of boat ramps, campsites, parking areas, bathroom facilities, etc. to be commensurate with existing and anticipated needs. Facilities should not invite such use that natural features will be degraded.
4. Provide adequate barriers to minimize off-road vehicle use

B. Maintenance: Soil Disturbance and Drainage

1. Maintenance operations minimize soil disturbance around parking lots, swimming areas and campsites, through proper placement and dispersal of such facilities or by reseeding disturbed ground. Drainage from such facilities should be promoted through proper grading.
2. Maintain adequate drainage for ramps by keeping side drains functional or by maintaining drainage of road surface above ramps or by crowning (on natural surfaces).
3. Maintain adequate drainage for trails. Use mitigating measures, such as water bars, wood chips, and grass seeding, to reduce erosion on trails.
4. When roads are abandoned during reconstruction or to implement site-control, they must be reseeded and provided with adequate drainage so that periodic maintenance is not required.

III. RAMPS AND STREAM CROSSINGS

A. Legal Requirements

1. Relevant permits must be obtained prior to building bridges across streams or boat ramps. Such permits include the SPA 124 permit, the COE 404 permit, and the DNRC Floodplain Development Permit.

B. Design Considerations

1. Placement of boat ramp should be such that boats can load and unload with out difficulty and the notch in the bank where the ramp was placed does not encourage

bank erosion. Extensions of boat ramps beyond the natural bank can also encourage erosion.

2. Adjust the road grade or provide drainage features (e.g. rubber flaps) to reduce the concentration of road drainage to stream crossings and boat ramps. Direct drainage flow through an adequate filtration zone and away from the ramp or crossing through the use of gravel side-drains, crowning (on natural surfaces) or 30-degree angled grooves on concrete ramps.
3. Avoid unimproved stream crossings on permanent streams. On ephemeral streams, when a culvert or bridge is not feasible, locate drive-throughs on a stable, rocky portion of the stream channel.
4. Unimproved (non-concrete) ramps should only be used when the native soils are sufficiently gravelly or rocky to withstand the use at the site and to resist erosion.

C. Installation of Stream Crossings and Ramps

1. Minimize stream channel disturbances and related sediment problems during construction of road and installation of stream crossing structures. Do not place erodible material into stream channels. Remove stockpiled material from high water zones. Locate temporary construction bypass roads in locations where the stream course will have a minimal disturbance. Time the construction activities to protect fisheries and water quality.
2. Where ramps enter the stream channel, they should follow the natural streambed in order to avoid changing stream hydraulics and to optimize use of boat trailers.
3. Use culverts with a minimum diameter of 15 inches for permanent stream crossings and cross drains. Proper sizing of culverts may dictate a larger pipe and should be based on a 50-year flow recurrence interval. Install culverts to conform to the natural streambed and slope on all perennial streams and on intermittent streams that support fish or that provide seasonal fish passage. Place culverts slightly below normal stream grade to avoid culvert outfall barriers. Do not alter stream channels upstream from culverts, unless necessary to protect fill or to prevent culvert blockage. Armor the inlet and/or outlet with rock or other suitable material where needed.
4. Prevent erosion of boat ramps and the affected streambank through proper placement (so as to not catch the stream current) and hardening (riprap or erosion resistant woody vegetation).
5. Maintain a 1-foot minimum cover for culverts 18-36 inches in diameter, and a cover of one-third diameter for larger culverts to prevent crushing by traffic.

APPENDIX E
STATE HISTORIC PRESERVATION OFFICE CONCURRENCE

Montana Fish, Wildlife & Parks

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RECEIVED
MAY 14 2012
BY: SHPO

1420 East Sixth Avenue
P.O. Box 200701
Helena, Montana 59620-0701

RECEIVED
MAY 1 7 2012
DESIGN & CONSTRUCTION
DEPT. OF FISH, WILDLIFE & PARKS

·STAN
·FWP/FISH
·Amelia Island FAS-Proposed Parking + Boat Ramp, TR CO

Dr. Mark Baumler, SHPO
State Historical Preservation Office
P.O. Box 201202
1410 8th Avenue
Helena, Montana 59620-1202

RE: Amelia Island Fishing Access Site, Treasure County, Montana

May 14, 2012

Dear Dr. Baumler:

The Department of Fish, Wildlife and Parks (FWP) is proposing development at the Amelia Island Fishing Access Site. The proposed undertaking is located on lands administered by FWP at approximately T7N R36E Section 32 as indicated in the attached report entitled *Amelia Island Fishing Access: A Class III Cultural Resource Inventory of a Proposed Parking Area and Boat Ramp Along the Yellowstone River in Treasure County, Montana*. Pursuant to regulations found at 36 CFR 800 we request SHPO review of the enclosed inventory and the eligibility determinations stated below.

FWP believes that the APE, as defined in the enclosed report, adequately considers all reasonable potential effects to Historic Properties from this proposed undertaking. We also believe that the report prepared by Ethnoscience, Inc. for FWP is adequate and we agree with their methods. We agree with the consultant's recommendations of eligibility and that, due to the low likelihood of adverse impacts to cultural resources, the project should be allowed to proceed as proposed.

We request your concurrence on the adequacy of the enclosed report and the low likelihood of adverse impacts to cultural resources. Please feel free to contact Bardell Mangum at (406) 841-4012 or by e-mail at bmangum@mt.gov if you have any questions or concerns regarding the proposed project.

Sincerely,

Bardell Mangum, RLA
Landscape Architect
Design & Construction Unit

CONCUR
MONTANA SHPO
DATE 5/17/12 SIGNED

Encl.: report; CRABS form